

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Application Number	:	10/813,606	Confirmation No.:	4352
Applicant	:	ANGEN ET AL.		
Filed	:	03/31/2004		
Title	:	Display Assembly with Improved Display Object Visibility		
TC/Art Unit	:	3692		
Examiner:	:	Jared W. Newton		
Docket No.	:	64367.000002		
Customer No.	:	<b>21967</b>		

**APPEAL BRIEF**

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TC/Art Unit : 3692  
Examiner: : Jared W. Newton  
Docket No. : 64367.000002  
Customer No. : **21967**

**APPEAL BRIEF**

In response to the Notice of Panel Decision from Pre-Appeal Brief Review dated October 10, 2008 and the Final Office Action dated June 6, 2008, rejecting claims 1-18, Appellants respectfully request that the Board of Patent Appeals and Interferences reconsider and withdraw the rejections of record, and allow the pending claims, which are attached hereto as an Appendix.

**I. REAL PARTY IN INTEREST**

The real party in interest is Robert J. Angen and John G. Penn II.

**II. RELATED APPEALS AND INTERFERENCES**

There are no known related appeals or interferences.

**III. STATUS OF CLAIMS**

Claims 1-18 are currently pending in this application. Claims 1, 5, 6, and 7 have been rejected under 35 U.S.C. § 102(b) as being allegedly anticipated by U.S. Patent No. 606,889 to Gregory ("Gregory"). Claims 2, 3, 10, 11, 12, 14, 15, and 16 have been rejected under 35 U.S.C. § 103 as being allegedly unpatentable over Gregory in view of U.S. Patent No. Des. 305,190 to Winter et al. ("Winter"). Claims 8, 9, 17, and 18 have been rejected under 35 U.S.C. § 103 as being allegedly unpatentable over Gregory in view of Winter, and further in view of U.S. Patent

No. 5,165,538 to Peters ("Peters"). Claims 4 and 13 have been rejected under 35 U.S.C. § 103 as being allegedly unpatentable over Gregory in view of Winter and further in view of U.S. Patent No. 6,467,745 to Sickels ("Sickels").

The rejections of claims 1-18 are appealed.

#### **IV. STATUS OF AMENDMENTS**

No amendments to the claims have been filed subsequent to the Office Action dated June 6, 2008.

#### **V. SUMMARY OF CLAIMED SUBJECT MATTER**

Appellants believe that a brief discussion of the background technology, followed by a brief summary of the embodiments of the invention and the problems solved by the embodiments of the present invention, will assist the Board of Patent Appeals and Interferences (hereinafter referred to as "the Board") in appreciating the significant advances made by the embodiments of the present invention. Finally, concise explanations of each of the independent claims are provided, including reference to exemplary portions of the specification and figures.

##### **A. The Background**

Many systems exist for displaying collectibles, models (e.g., cars, buildings, guns, dolls, etc.) and other display objects. Such systems typically involve an enclosed case or open wood shelving. These systems typically only permit the viewer to see the display object from one angle and preclude the viewer from viewing a portion of the object (i.e., the portion facing the display case or resting on the wood shelving. Additionally, existing display systems typically do not permit a user to remove the display system from the wall or other place of attachment for multi-directional viewing.

**B. The Embodiments of The Present Invention**

According to embodiments of the present invention, a display system may be provided that comprises a shelf assembly and one or more mounting assemblies for removably mounting the shelf assembly to a wall. One or more display object mounting assemblies may removably and rotatably mount a display object to a first side of the shelf assembly, such that the display object may be rotated about an axis for display purposes and may be removed from the shelf assembly. The shelf assembly may be transparent (e.g., a clear plastic, glass, fiberglass, etc.) or otherwise formed such that it enables a person to view at least a majority of the display object from the second side of the shelf assembly. Opaque, translucent and other forms of shelf assemblies are also possible within the scope of the invention. The shelf assembly may be mounted at an angle with respect to a wall, parallel, perpendicular, upside down or otherwise. A retrofit bracket connects to existing packaging attachment mechanisms on the display objects as part of the display object mounting mechanism. The retrofit bracket may also be transparent (e.g., clear plastic, glass, fiberglass, etc.).

One advantageous use of this system involves the display of model cars. Model cars are typically shipped in a cardboard package with foam or other structures to limit movement during shipping. The model cars are often secured to the outer cardboard box through the use of one or more packaging attachment mechanisms (e.g., bolts or screws) to limit movement during shipping. Different model car manufacturers may have different packaging attachment mechanisms and locations. Thus, a plurality of different retrofit brackets may be provided, each retrofit bracket designed to cooperate with a different model car for securement of the car to the bracket using the existing manufacturer's packaging attachment mechanisms. By utilizing the existing manufacturer's packaging attachment mechanisms, a hole or gluing or other structurally

damaging alteration to the model may not be required for securing the model to the shelving assembly. Given the cost of some model cars, this advantage may be significant over existing systems because any hole, opening, etc. may immediately degrade the value of the model as a collectible.

It should be appreciated that embodiments of the invention are not limited to display of model cars and this same display system may be used for displaying virtually any physical object that is attachable to the shelving system including, but not limited to, dolls, toys, guns, golf balls, trophies, plaques, glassware, plates, etc.

**C. Explanation of Independent Claim 1**

A display system (Fig. 1, ref. 10) comprising:

a shelf assembly (Figs. 1 and 3, ref. 12) having at least a first and second side (page 4, line 19 – page 5, line 6);

one or more wall mounting assemblies (Figs. 4-6, 12, and 14; ref. 26) for mounting to a wall and comprising a slotting mechanism for removably mounting a shelf mount assembly, wherein the shelf assembly may be removed without removing a wall mount attachment mechanism from the one or more wall mounting assemblies (page 5, line 20 – page 6, line 14; page 6, line 19 – page 7, line 10);

a shelf mount assembly (Figs. 1 and 3, ref. 14; Figs. 3-6; ref. 24) for mounting to one or more wall mounting assemblies through the slotting mechanism and removably mounting the shelf assembly (page. 5, line 20 – page. 6, line 14); and

one or more display object mounting assemblies (Figs. 1-2, ref. 16), wherein each of the one or more display object mounting assemblies removably and rotatably mount a display object to the first side of the shelf assembly, such that the display object is rotatable about an axis for

display purposes and is removable from the shelf assembly (page 5, lines 11-19);

wherein the shelf assembly enables a person to view at least a majority of the display object from the second side of the shelf assembly (page 5, lines 3-6).

**D. Explanation of Independent Claim 10**

A display system (Fig. 1, ref. 10) comprising:

a transparent shelf assembly (Figs. 1 and 3, ref. 12) having at least a first and second side (page 4, line 19 – page 5, line 6);

one or more wall mounting assemblies (Figs. 4-6, 12, and 14; ref. 26) for mounting to a wall and comprising a slotting mechanism for removably mounting a shelf mount assembly, wherein the shelf assembly may be removed without removing a wall mount attachment mechanism from the one or more wall mounting assemblies (page 5, line 20 – page 6, line 14; page 6, line 19 – page 7, line 10);

a shelf mount assembly (Figs. 1 and 3, ref. 14; Figs. 3-6; ref. 24) for mounting to one or more wall mounting assemblies through the slotting mechanism and removably mounting the shelf assembly (page. 5, line 20 – page. 6, line 14); and

one or more display object mounting assemblies (Figs. 1-2, ref. 16), wherein each of the one or more display object mounting assemblies mount a display object to the first side of the shelf assembly, such that the display object is rotatable about an axis for display purposes and is removable from the shelf assembly (page 5, lines 11-19); and

wherein the shelf assembly enables a person to view at least a majority of the display object from the second side of the shelf assembly (page 5, lines 3-6).

**VI. GROUNDS OF REJECTION TO BE REVIEWED ON APPEAL**

The issues on appeal are whether the following rejection is proper:



- The rejection of claims 1, 5, 6, and 7 under 35 U.S.C. § 102(b) as being allegedly anticipated by U.S. Patent No. 606,889 to Gregory (“Gregory”).
- The rejection of claims 2, 3, 10, 11, 12, 14, 15, and 16 under 35 U.S.C. § 103 as being allegedly unpatentable over Gregory in view of U.S. Patent No. Des. 305,190 to Winter et al. (“Winter”).
- The rejection of claims 8, 9, 17, and 18 under 35 U.S.C. § 103 as being allegedly unpatentable over Gregory in view of Winter, and further in view of U.S. Patent No. 5,165,538 to Peters (“Peters”).
- The rejection of claims 4 and 13 under 35 U.S.C. § 103 as being allegedly unpatentable over Gregory in view of Winter and further in view of U.S. Patent No. 6,467,745 to Sickels (“Sickels”).

## **VII. ARGUMENT**

The rejections against the pending claims under consideration in the above-identified patent application should be reversed for at least the reasons set forth below.

### **A. Brief Description of the Art Applied to the Claims**

#### ***U.S. Patent No. 606,889 to Gregory (“Gregory”)***

Gregory purports to disclose a type-writer support system for attaching a type-writer to a desk using pins and thumb-screws (Gregory page 1 lines 48-59 in conjunction with Figure 1). For example, Gregory appears to describe a plate A, formed with hinged lugs C and D, for mounting to a desk via screw holes B (Gregory page 1, lines 38-45 in conjunction with Figure 1). Accordingly, Gregory’s type-writer support system cannot be removed from the desk without removing plate A at hinge lugs C and D.

***U.S. Patent No. Des. 305,190 to Peters (“Winter”)***

Gregory purports to disclose a design of a display shelf mounted with a direct mounting attachment (Fig. 1). Gregory appears to show that the display shelf is made of a transparent or translucent material (Figs. 1-6).

***U.S. Patent No. 5,165,538 to Peters (“Peters”)***

Peters purports to disclose a baseball holder for display purposes (Title). Peters allegedly uses two transparent hemispheres – an upper semispherical portion 20 and a lower semispherical portion 30 – to encase the baseball (col. 2, lines 27-35).

***U.S. Patent No. 6,467,745 to Sickels (“Sickels”)***

Sickels purports to disclose a mounting bracket assembly (Title). More specifically, Sickels appears to discuss a bracketing system for supporting a mounting member in a plurality of locked positions spaced apart along an arcuate path (Abstract).

**B. The Rejection of Claims 1, 5, 6, and 7 Under 35 U.S.C. § 102(b) is Improper**

Claims 1, 5, 6, and 7 stand rejected under 35 U.S.C. § 102(b) as being allegedly anticipated by U.S. Patent No. 606,889 to Gregory (“Gregory”). Appellants respectfully traverse this rejection.

1. Claim 1 is Separately Patentable

The rejection is improper because **Gregory fails to teach each and every claim limitation** for claim 1 rejected under 102(b).

Under 35 U.S.C. § 102, the Patent Office bears the burden of presenting at least a prima facie case of anticipation. In re Sun, 31 USPQ2d 1451, 1453 (Fed. Cir. 1993) (unpublished). Anticipation requires that a prior art reference disclose, either expressly or under the principles of inherency, each and every element of the claimed invention. Id. “In addition, the prior art

reference must be enabling.” Akzo N.V. v. U.S. International Trade Commission, 808 F.2d 1471, 1479, 1 USPQ2d 1241, 1245 (Fed. Cir. 1986), cert. denied, 482 U.S. 909 (1987). That is, the prior art reference must sufficiently describe the claimed invention so as to have placed the public in possession of it. In re Donohue, 766 F.2d 531, 533, 226 USPQ 619, 621 (Fed. Cir. 1985). Such possession is effected only if one of ordinary skill in the art could have combined the disclosure in the prior art reference with his/her own knowledge to make the claimed invention. Id. As stated in MPEP § 2131, “[a] claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference.” Verdegaal Bros. v. Union Oil Co. of California, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987).

Referring to claim 1, the disclosure of Gregory fails to show at least the limitation directed to “*one or more wall mounting assemblies for mounting to a wall and comprising a slotting mechanism for removably mounting a shelf mount assembly*”(emphasis added).

Gregory describes a plate A, formed with hinged lugs C and D, for mounting to a desk via screw holes B (Gregory page 1, lines 38-45 in conjunction with Figure 1). The Office Action analogizes elements A, C, D, and strengthening rib E to the claimed *one or more wall mounting assemblies*. *Office Action* at 2-3.

However, this analogy does not apply to the currently recited claims because (1) Gregory does not teach or suggest an assembly for mounting to a *wall*, (2) Gregory does not teach or suggest *a slotting mechanism for removably mounting a shelf mount assembly*, and (3) Gregory does not teach or suggest *a shelf mount assembly*. For one, it is clear that Gregory’s plate is for mounting to a *desk*, not a wall, as claimed. In fact, nowhere in Gregory is a *wall* mounting assembly even taught or mentioned.

Secondly, Gregory does not teach or disclose any type of *slotting mechanism*. Gregory describes securing the type writer support through pins and thumb-screws (Gregory page 1 lines 48-59 in conjunction with Figure 1). In fact, Gregory's type-writer support system cannot be removed from the desk without removing plate A at hinge lugs C and D. This is clearly distinguishable from a *slotting* mechanism for removably mounting a shelf mount assembly, as claimed.

Thirdly, Gregory does not teach or disclose a *shelf mount assembly*. Specifically, claim 1 recites a *shelf mount assembly for mounting to one or more wall mounting assemblies through the slotting mechanism and removably mounting the shelf assembly*. Using the analogy from the Office Action, Gregory describes direct attachment of a shelf assembly (allegedly plate M) to the wall mounting assembly (allegedly elements A, C, D, and E). A shelf mount assembly is neither disclosed nor suggested by this description, or any other description in Gregory. It appears that the Office Action considers "pin H" and "thumbscrew I" to be the shelf mount assembly. However, the Office clearly misconstrues Gregory since pin H and thumbscrew I is used for direct attachment, not "for mounting to one or more wall mounting assemblies through the slotting mechanism and removably mounting the shelf assembly," as expressly recited. Accordingly, the claimed shelf mount assembly would be superfluous and inoperable in Gregory's system of direct attachment between a shelf and a wall mounting assembly.

As a result, the disclosure of Gregory fails to teach or show at least the limitation directed to "one or more wall mounting assemblies for mounting to a wall and comprising a slotting mechanism for removably mounting a shelf mount assembly, wherein the shelf assembly may be removed without removing a wall mount attachment mechanism from the one or more wall mounting assemblies" and "a shelf mount assembly for mounting to one or more wall mounting

assemblies through the slotting mechanism and removably mounting the shelf assembly,” as expressly recited in claim 1.

Accordingly, for at least this reason, Gregory does not teach **each and every limitation** of claim 1 and the rejection of claim under 35 U.S.C. § 102(b) should be withdrawn.

Therefore, independent claim 1 is allowable over Gregory and allowance thereof is respectfully requested.

2. Claim 5 is Separately Patentable

Claim 5 is separately patentable because Gregory fails to disclose the display system is capable of mounting a model car as a display object. Furthermore, the Office Action’s rejection of this claim is improper for the reasons set forth above with respect to claim 1. Gregory fails to show each and every limitation of claim 5. In addition, there is no teaching, motivation, or rationale of obviousness to modify any of the applied references to include this feature.

For at least the above reasons Appellants respectfully request that the rejection of claim 5 be withdrawn.

3. Claim 6 is Separately Patentable

Claim 6 is separately patentable because Gregory fails to disclose a packaging attachment mechanism wherein the mounting assembly utilizes the packaging attachment mechanism to secure the display object to a retrofit bracket, the retrofit bracket being rotatably and removably secured to the shelf assembly. Furthermore, the Office Action’s rejection of this claim is improper for the reasons set forth above with respect to claim 1. Gregory fails to show each and every limitation of claim 6. In addition, there is no teaching, motivation, or rationale of obviousness to modify any of the applied references to include this feature.

For at least the above reasons Appellants respectfully request that the rejection of claim 6

be withdrawn.

4. Claim 7 is Separately Patentable

Claim 7 is separately patentable because Gregory fails to disclose the retrofit bracket comprises at least two sides, a first side capable of being secured to a display object and a second side being secured to the shelf assembly. Furthermore, the Office Action's rejection of this claim is improper for the reasons set forth above with respect to claim 1. Gregory fails to show each and every limitation of claim 7. In addition, there is no teaching, motivation, or rationale of obviousness to modify any of the applied references to include this feature.

For at least the above reasons Appellants respectfully request that the rejection of claim 7 be withdrawn.

**C. The Rejection of Claims 2, 3, 10, 11, 12, 14, 15, and 16 Under 35 U.S.C. § 103 is Improper**

Claims 2, 3, 10, 11, 12, 14, 15, and 16 stand rejected under 35 U.S.C. § 103 as being allegedly unpatentable over Gregory in view of U.S. Patent No. Des. 305,190 to Winter et al. ("Winter"). Appellants respectfully traverse this rejection.

1. Claim 2 is Separately Patentable

The rejection is improper because **Gregory and Winter fail to teach each and every claim limitation** for claim 2 rejected under 103.

Claims 2 depends from claim 1 and therefore incorporates all of the recited features of claim 1. As discussed above, Gregory does not teach or suggest all of the elements of claim 1. Winter, which shows a display shelf mounted with a direct mounting attachment, was relied upon by the Examiner for the alleged teaching of a transparent material. However, Winter does not cure the deficiencies of Gregory. Specifically, Winter does not teach at least the limitation

directed to “one or more wall mounting assemblies for mounting to a wall and comprising a slotting mechanism for removably mounting a shelf mount assembly, wherein the shelf assembly may be removed without removing a wall mount attachment mechanism from the one or more wall mounting assemblies” and “a shelf mount assembly for mounting to one or more wall mounting assemblies through the slotting mechanism and removably mounting the shelf assembly,” as claimed. Thus, claim 2 is not taught or rendered obvious by the combination of Gregory and Winter.

Claim 2 is also separately patentable because Gregory and Winter fail to disclose the shelf assembly comprises a transparent material. Gregory and Winter fail to show each and every limitation of claim 2. In addition, there is no teaching, motivation, or rationale of obviousness to modify any of the applied references to include this feature.

For at least the above reasons Appellants respectfully request that the rejection of claim 2 be withdrawn.

2. Claim 3 is Separately Patentable

Claim 3 is separately patentable because Gregory and Winter fail to disclose the wall mounting assemblies mount the shelf assembly at an acute angle with respect to the wall. The Office Action’s rejection of this claim is improper for the reasons set forth above with respect to claim 2. Gregory and Winter fail to show each and every limitation of claim 3. In addition, there is no teaching, motivation, or rationale of obviousness to modify any of the applied references to include this feature.

For at least the above reasons Appellants respectfully request that the rejection of claim 3 be withdrawn.

3. Claim 10 is Separately Patentable

The rejection is improper because **Gregory and Winter fail to teach each and every claim limitation** for claim 10 rejected under 103.

Under 35 U.S.C. § 103, the Patent Office bears the burden of establishing a prima facie case of obviousness. In re Fine, 837 F.2d 1071, 1074 (Fed. Cir. 1988). There are four separate factual inquiries to consider in making an obviousness determination: (1) the scope and content of the prior art; (2) the level of ordinary skill in the field of the invention; (3) the differences between the claimed invention and the prior art; and (4) the existence of any objective evidence, or “secondary considerations,” of non-obviousness. Graham v. John Deere Co., 383 U.S. 1, 17-18 (1966); see also KSR Int’l Co. v. Teleflex Inc., 127 S. Ct. 1727 (2007). An “expansive and flexible approach” should be applied when determining obviousness based on a combination of prior art references. KSR, 127 S. Ct. at 1739. However, a claimed invention combining multiple known elements is not rendered obvious simply because each element was known independently in the prior art. Id. at 1741. Rather, there must still be some “reason that would have prompted” a person of ordinary skill in the art to combine the elements in the specific way that he or she did. Id.; In re Icon Health & Fitness, Inc., 496 F.3d 1374, 1380 (Fed. Cir. 2007). Also, modification of a prior art reference may be obvious only if there exists a reason that would have prompted a person of ordinary skill to make the change. KSR, 127 S. Ct. at 1740-41.

Referring to claim 10, the disclosure of Gregory fails to show at least the limitation directed to “*one or more wall mounting assemblies for mounting to a wall and comprising a slotting mechanism for removably mounting a shelf mount assembly*”(emphasis added).

Gregory describes a plate A, formed with hinged lugs C and D, for mounting to a desk via screw holes B (Gregory page 1, lines 38-45 in conjunction with Figure 1). The Office Action



analogizes elements A, C, D, and strengthening rib E to the claimed *one or more wall mounting assemblies*. *Office Action* at 2-3.

However, this analogy does not apply to the currently recited claims because (1) Gregory does not teach or suggest an assembly for mounting to a *wall*, (2) Gregory does not teach or suggest *a slotting mechanism for removably mounting a shelf mount assembly*, and (3) Gregory does not teach or suggest *a shelf mount assembly*. For one, it is clear that Gregory's plate is for mounting to a *desk*, not a wall, as claimed. In fact, nowhere in Gregory is a *wall* mounting assembly even taught or mentioned.

Secondly, Gregory does not teach or disclose any type of *slotting mechanism*. Gregory describes securing the type writer support through pins and thumb-screws (Gregory page 1 lines 48-59 in conjunction with Figure 1). In fact, Gregory's type-writer support system cannot be removed from the desk without removing plate A at hinge lugs C and D. This is clearly distinguishable from a *slotting* mechanism for removably mounting a shelf mount assembly, as claimed.

Thirdly, Gregory does not teach or disclose a *shelf mount assembly*. Specifically, claim 1 recites a *shelf mount assembly for mounting to one or more wall mounting assemblies through the slotting mechanism and removably mounting the shelf assembly*. Using the analogy from the Office Action, Gregory describes direct attachment of a shelf assembly (allegedly plate M) to the wall mounting assembly (allegedly elements A, C, D, and E). A shelf mount assembly is neither disclosed nor suggested by this description, or any other description in Gregory. It appears that the Office Action considers "pin H" and "thumbscrew I" to be the shelf mount assembly. However, the Office clearly misconstrues Gregory since pin H and thumbscrew I is used for direct attachment, not "for mounting to one or more wall mounting assemblies through the

slotting mechanism and removably mounting the shelf assembly,” as expressly recited.

Accordingly, the claimed shelf mount assembly would be superfluous and inoperable in Gregory’s system of direct attachment between a shelf and a wall mounting assembly.

As a result, the disclosure of Gregory fails to teach or show at least the limitation directed to “one or more wall mounting assemblies for mounting to a wall and comprising a slotting mechanism for removably mounting a shelf mount assembly, wherein the shelf assembly may be removed without removing a wall mount attachment mechanism from the one or more wall mounting assemblies” and “a shelf mount assembly for mounting to one or more wall mounting assemblies through the slotting mechanism and removably mounting the shelf assembly,” as expressly recited in claim 1.

Winter, which shows a display shelf mounted with a direct mounting attachment, was relied upon by the Examiner for the alleged teaching of a transparent material. However, Winter does not cure the deficiencies of Gregory. Specifically, Winter does not teach at least the limitation directed to “one or more wall mounting assemblies for mounting to a wall and comprising a slotting mechanism for removably mounting a shelf mount assembly, wherein the shelf assembly may be removed without removing a wall mount attachment mechanism from the one or more wall mounting assemblies” and “a shelf mount assembly for mounting to one or more wall mounting assemblies through the slotting mechanism and removably mounting the shelf assembly,” as claimed. Thus, claim 10 is not taught or rendered obvious by the combination of Gregory and Winter.

Accordingly, for at least this reason, Gregory and Winter do not teach each and every limitation of claim 10 and the rejection of claim under 35 U.S.C. § 103 should be withdrawn.

Therefore, independent claim 10 is allowable over Gregory and allowance thereof is respectfully requested.

4. Claim 11 is Separately Patentable

Claim 11 is separately patentable because Gregory and Winter fail to disclose the display object mounting assembly rotatably and removably mounts shelf assembly and the shelf assembly comprises a transparent material. The Office Action's rejection of this claim is improper for the reasons set forth above with respect to claim 10. Gregory fails to show each and every limitation of claim 11. In addition, there is no teaching, motivation, or rationale of obviousness to modify any of the applied references to include this feature.

For at least the above reasons Appellants respectfully request that the rejection of claim 11 be withdrawn.

5. Claim 12 is Separately Patentable

Claim 12 is separately patentable because Gregory and Winter fail to disclose the wall mounting assemblies mount the shelf assembly at an acute angle with respect to the wall. The Office Action's rejection of this claim is improper for the reasons set forth above with respect to claim 10. Gregory fails to show each and every limitation of claim 12. In addition, there is no teaching, motivation, or rationale of obviousness to modify any of the applied references to include this feature.

For at least the above reasons Appellants respectfully request that the rejection of claim 12 be withdrawn.

6. Claim 14 is Separately Patentable

Claim 14 is separately patentable because Gregory and Winter fail to disclose the display system comprises a system capable of mounting a model car as a display object. The Office

Action's rejection of this claim is improper for the reasons set forth above with respect to claim 10. Gregory fails to show each and every limitation of claim 14. In addition, there is no teaching, motivation, or rationale of obviousness to modify any of the applied references to include this feature.

For at least the above reasons Appellants respectfully request that the rejection of claim 14 be withdrawn.

7. Claim 15 is Separately Patentable

Claim 15 is separately patentable because Gregory and Winter fail to disclose the display object attachment mechanism comprises a packaging attachment mechanism and wherein the mounting assembly utilizes the packaging attachment mechanism to secure the display object to a retrofit bracket, the retrofit bracket being rotatably and removably secured to the shelf assembly. The Office Action's rejection of this claim is improper for the reasons set forth above with respect to claim 10. Gregory fails to show each and every limitation of claim 15. In addition, there is no teaching, motivation, or rationale of obviousness to modify any of the applied references to include this feature.

For at least the above reasons Appellants respectfully request that the rejection of claim 15 be withdrawn.

8. Claim 16 is Separately Patentable

Claim 16 is separately patentable because Gregory and Winter fail to disclose the retrofit bracket comprises at least two sides, a first side capable of being secured to a display object and a second side being secured to the shelf assembly. The Office Action's rejection of this claim is improper for the reasons set forth above with respect to claim 10. Gregory fails to show each and every limitation of claim 16. In addition, there is no teaching, motivation, or rationale of

obviousness to modify any of the applied references to include this feature.

For at least the above reasons Appellants respectfully request that the rejection of claim 16 be withdrawn.

**D. The Rejection of Claims 8, 9, 17, and 18 Under 35 U.S.C. § 103 is Improper**

Claims 8, 9, 17, and 18 stand rejected under 35 U.S.C. § 103 as being allegedly unpatentable over Gregory in view of Winter, and further in view of U.S. Patent No. 5,165,538 to Peters (“Peters”). Appellants respectfully traverse this rejection.

1. Claim 8 is Separately Patentable

The rejection is improper because **Gregory, Winter, and Peters fail to teach each and every claim limitation** for claim 8 rejected under 103.

Claims 8 depends from claim 1 and therefore incorporates all of the recited features of claim 1. As discussed above, Gregory and Winter do not teach or suggest all of the elements of claim 1. Peters, which shows a baseball holder having two transparent hemispheres for display purposes, was relied upon by the Examiner to show a transparent object supporting portion. However, Peters does not cure the deficiencies of Gregory and Winter. Specifically, Peters does not teach at least the limitation directed to “one or more wall mounting assemblies for mounting to a wall and comprising a slotting mechanism for removably mounting a shelf mount assembly, wherein the shelf assembly may be removed without removing a wall mount attachment mechanism from the one or more wall mounting assemblies” and “a shelf mount assembly for mounting to one or more wall mounting assemblies through the slotting mechanism and removably mounting the shelf assembly,” as claimed. Thus, claim 8 is not taught or rendered obvious by the combination of Gregory and Winter.

Claim 8 is also separately patentable because Gregory, Winter, and Peters fail to disclose

the retrofit bracket enables a person to view at least a majority of the display object's surface through the retrofit bracket. Gregory, Winter, and Peters fail to show each and every limitation of claim 8. In addition, there is no teaching, motivation, or rationale of obviousness to modify any of the applied references to include this feature.

For at least the above reasons Appellants respectfully request that the rejection of claim 8 be withdrawn.

2. Claim 9 is Separately Patentable

Claim 9 is separately patentable because Gregory, Winter, and Peters fail to disclose the retrofit bracket comprises a transparent material. The Office Action's rejection of this claim is improper for the reasons set forth above with respect to claim 8. Gregory, Winter, and Peters fail to show each and every limitation of claim 9. In addition, there is no teaching, motivation, or rationale of obviousness to modify any of the applied references to include this feature.

For at least the above reasons Appellants respectfully request that the rejection of claim 9 be withdrawn.

3. Claim 17 is Separately Patentable

Claim 17 is separately patentable because Gregory, Winter, and Peters fail to disclose the retrofit bracket enables a person to view at least a majority of the display object's surface through the retrofit bracket. The Office Action's rejection of this claim is improper for the reasons set forth above with respect to claim 8. Gregory, Winter, and Peters fail to show each and every limitation of claim 17. In addition, there is no teaching, motivation, or rationale of obviousness to modify any of the applied references to include this feature.

For at least the above reasons Appellants respectfully request that the rejection of claim 17 be withdrawn.

4. Claim 18 is Separately Patentable

Claim 18 is separately patentable because Gregory, Winter, and Peters fail to disclose the retrofit bracket comprises a transparent material. The Office Action's rejection of this claim is improper for the reasons set forth above with respect to claim 8. Gregory, Winter, and Peters fail to show each and every limitation of claim 18. In addition, there is no teaching, motivation, or rationale of obviousness to modify any of the applied references to include this feature.

For at least the above reasons Appellants respectfully request that the rejection of claim 18 be withdrawn.

**E. The Rejection of Claims 4 and 13 Under 35 U.S.C. § 103 is Improper**

Claims 4 and 13 stand rejected under 35 U.S.C. § 103 as being allegedly unpatentable over Gregory in view of Winter and further in view of U.S. Patent No. 6,467,745 to Sickels ("Sickels"). Appellants respectfully traverse this rejection.

1. Claim 4 is Separately Patentable

The rejection is improper because **Gregory, Winter, and Sickels fail to teach each and every claim limitation** for claim 4 rejected under 103.

Claims 4 depends from claim 1 and therefore incorporates all of the recited features of claim 1. As discussed above, Gregory and Winter do not teach or suggest all of the elements of claim 1. Sickels, which relied upon by the Examiner for the angular relationship of a support surface and a wall and fails to cure the deficiencies of Gregory and Winter. Specifically, Sickels does not teach at least the limitation directed to "one or more wall mounting assemblies for mounting to a wall and comprising a slotting mechanism for removably mounting a shelf mount assembly, wherein the shelf assembly may be removed without removing a wall mount attachment mechanism from the one or more wall mounting assemblies" and "a shelf mount

assembly for mounting to one or more wall mounting assemblies through the slotting mechanism and removably mounting the shelf assembly,” as claimed. Thus, claim 4 is not taught or rendered obvious by the combination of Gregory and Winter.

Claim 4 is also separately patentable because Gregory, Winter, and Sickels fail to disclose the wall mounting assemblies mount the shelf assembly parallel to the wall. Gregory, Winter, and Sickels fail to show each and every limitation of claim 4. In addition, there is no teaching, motivation, or rationale of obviousness to modify any of the applied references to include this feature.

For at least the above reasons Appellants respectfully request that the rejection of claim 4 be withdrawn.

2. Claim 13 is Separately Patentable

Claim 13 is separately patentable because Gregory, Winter, and Sickels fail to disclose the wall mounting assemblies mount the shelf assembly parallel to the wall. Furthermore, the Office Action’s rejection of this claim is improper for the reasons set forth above with respect to claim 4. Gregory, Winter, and Sickels fail to show each and every limitation of claim 13. In addition, there is no teaching, motivation, or rationale of obviousness to modify any of the applied references to include this feature.

For at least the above reasons Appellants respectfully request that the rejection of claim 13 be withdrawn.

**VIII. CONCLUSION**

Accordingly, Appellants respectfully requests that the Board reverse the prior art rejections set forth in the Final Office Action. The Director is hereby authorized to treat any current or future reply, requiring a petition for an extension of time for its timely submission as



incorporating a petition for extension of time for the appropriate length of time. Appellants also authorize the Director to credit and differences or overpayment of fees to the undersigned's Deposit Account No. 50-0206.

Respectfully submitted,



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**IX. CLAIMS APPENDIX**

1. (Previously presented) A display system comprising:

a shelf assembly having at least a first and second side;

one or more wall mounting assemblies for mounting to a wall and comprising a slotting mechanism for removably mounting a shelf mount assembly, wherein the shelf assembly may be removed without removing a wall mount attachment mechanism from the one or more wall mounting assemblies;

a shelf mount assembly for mounting to one or more wall mounting assemblies through the slotting mechanism and removably mounting the shelf assembly; and

one or more display object mounting assemblies, wherein each of the one or more display object mounting assemblies removably and rotatably mount a display object to the first side of the shelf assembly, such that the display object is rotatable about an axis for display purposes and is removable from the shelf assembly;

wherein the shelf assembly enables a person to view at least a majority of the display object from the second side of the shelf assembly.

2. (Original) The display system of claim 1 wherein the shelf assembly comprises a transparent material.

3. (Original) The display system of claim 1 wherein the wall mounting assemblies mount the shelf assembly at an acute angle with respect to the wall.

4. (Original) The display system of claim 1 wherein the wall mounting assemblies mount the shelf assembly parallel to the wall.
5. (Previously Presented) The display system of claim 1 wherein the display system comprises a system capable of mounting a model car as a display object.
6. (Previously Presented) The display system of claim 1 further comprising a packaging attachment mechanism wherein the mounting assembly utilizes the packaging attachment mechanism to secure the display object to a retrofit bracket, the retrofit bracket being rotatably and removably secured to the shelf assembly.
7. (Previously Presented) The display system of claim 6 wherein the retrofit bracket comprises at least two sides, a first side capable of being secured to a display object and a second side being secured to the shelf assembly.
8. (Original) The display system of claim 7 wherein the retrofit bracket enables a person to view at least a majority of the display object's surface through the retrofit bracket.
9. (Original) The display system of claim 8 wherein the retrofit bracket comprises a transparent material.
10. (Previously presented) A display system comprising:  
a transparent shelf assembly having at least a first and second side;

one or more wall mounting assemblies for mounting to a wall and comprising a slotting mechanism for removably mounting a shelf mount assembly, wherein the shelf assembly may be removed without removing a wall mount attachment mechanism from the one or more wall mounting assemblies;

a shelf mount assembly for mounting to one or more wall mounting assemblies through the slotting mechanism and removably mounting the shelf assembly; and

one or more display object mounting assemblies, wherein each of the one or more display object mounting assemblies mount a display object to the first side of the shelf assembly, such that the display object is rotatable about an axis for display purposes and is removable from the shelf assembly; and

wherein the shelf assembly enables a person to view at least a majority of the display object from the second side of the shelf assembly.

11. (Previously Presented) The display system of claim 10 wherein the display object mounting assembly rotatably and removably mounts shelf assembly and the shelf assembly comprises a transparent material.

12. (Original) The display system of claim 10 wherein the wall mounting assemblies mount the shelf assembly at an acute angle with respect to the wall.

13. (Original) The display system of claim 10 wherein the wall mounting assemblies mount the shelf assembly parallel to the wall.

14. (Previously Presented) The display system of claim 10 wherein the display system comprises a system capable of mounting a model car as a display object.

15. (Previously Presented) The display system of claim 10 wherein the display object attachment mechanism comprises a packaging attachment mechanism and wherein the mounting assembly utilizes the packaging attachment mechanism to secure the display object to a retrofit bracket, the retrofit bracket being rotatably and removably secured to the shelf assembly.

16. (Previously Presented) The display system of claim 15 wherein the retrofit bracket comprises at least two sides, a first side capable of being secured to a display object and a second side being secured to the shelf assembly.

17. (Original) The display system of claim 16 wherein the retrofit bracket enables a person to view at least a majority of the display object's surface through the retrofit bracket.

18. (Original) The display system of claim 17 wherein the retrofit bracket comprises a transparent material.

**X. EVIDENCE APPENDIX**

None.

**XI. RELATED PROCEEDINGS APPENDIX**

None.